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Pharmaceuticals Inc.

**10/517,101**  
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DATE: December 8, 2005

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TO: Petitions

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FAX NO.: 571-273-8300

25 JAN 2006

FROM: Kim Campbell

Legal Staff  
International Division

**Re: U.S. Application No. 10/517,101**  
**Title: MODIFIED RELEASE, MULTIPLE UNIT DRUG DELIVERY SYSTEMS**  
**Our Ref.: RLL-266US**

Dear Sir,

Please find attached the Petition to File When Inventor cannot be reached and the Declaration regarding the above matter.

Thank you.



Kim Campbell  
Paralegal- Patents

**CONFIDENTIALITY NOTE:**

The information contained in this facsimile message is strictly privileged and confidential. Intended Recipient: 00000003 1000101  
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RLL-266US

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile  
 transmitted to the United States Patent and Trademark Office  
 at (571) 273-8300 on the date shown below.  
 Date: December 8, 2005

Kim Campbell

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: KUMAR et al.

Application No.: 10/517,101

Filed: December 7, 2004

Title: MODIFIED RELEASE, MULTIPLE UNIT DRUG DELIVERY SYSTEMS

**PETITION TO FILE WHEN INVENTOR CANNOT BE REACHED**  
**UNDER 37 CFR § 1.47**

Mail Stop Petitions  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Missing Requirements Under 35 U.S.C. 371 dated May 9, 2005, Applicants hereby petition to waive the execution of the Declaration by inventor Ravikumar NITHIYANANDAM as an inventor of the above referenced application. Mr. Nithiyanandam has been presented with a copy of the application papers and have failed to respond to the request to sign the declaration. To date we have made numerous attempts to contact Mr. Nithiyanandam but have not received a response. Mr. Narayanan last known address is No. 24, Bairavan Kovil Street, Dharapuram, Erode District, 638656 Tamilnadu India. Applicants hereby submit as set forth in 37 CFR § 1.47 the Declaration executed by all other inventors.

Rec'd PCT/PTO 08 DEC 2005

RLL-266US

10/517101

Authorization is hereby given to charge any fees associated herewith to Deposit

Account No. 50-0912.

Respectfully submitted,

KUMAR et al.

Date: December 8, 2005

By William D. Hare  
William D. Hare  
Reg. No. 44,739

Customer No. 26815

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Docket No.  
RLL-266US

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**MODIFIED RELEASE, MULTIPLE UNIT DRUG DELIVERY SYSTEM** ✓

the specification of which

(check one)

is attached hereto.

was filed on June 9, 2003 ✓ as United States Application No. or PCT International Application Number PCT/IB03/02186 ✓ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		Priority	Not Claimed
617/Del/2002 ✓	India ✓	07/06/2002 ✓	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

5  
 Jay R. Deshmukh, Esq. Reg. No. 34,507  
 George E. Heibel, Esq. Reg. No. 42,648  
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Direct Telephone Calls to: (name and telephone number)  
Jay R. Deshmukh, Esq. 609-720-5608

Full name of sole or first inventor <u>Patrik KUMAR</u>	Date
Sole or first inventor's signature <u>Patrik KUMAR</u>	<u>3/3/05</u>
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20 Full name of second inventor, if any <u>Girish Kumar JAIN</u>	Date
Second inventor's signature <u>Girish</u>	<u>3/3/05</u>
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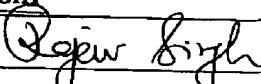
3-00

Full name of third Inventor, if any <u>Ashok RAMPAL</u>	Date
Third Inventor's signature 	
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4-00

Full name of fourth Inventor, if any <u>Ravikumar NITHYANANDAM</u>	Date
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Residence <u>Periyar, Tamil Nadu</u>	
Citizenship <u>India</u>	
Post Office Address <u>No. 24, Bairavan Kovil Street, Dharapuram, Erode District, Tamil Nadu 638656 India</u>	

5-00

Full name of fifth inventor, if any <u>Rajeev Singh RAGHUVANSHI</u>	Date
Fifth Inventor's signature 	
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